

Notice of Allowability

Application No.

09/979,539

Examiner

David J. Blanchard

Applicant(s)

PASTAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview of 29 March 2006.
2. ☒ The allowed claim(s) is/are 69, 71-79, 81-84, 86-87 and 89 (renumbered as claims 1-17).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/29/2006.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laurence J. Hyman on 29 March 2006.

This application has been amended as follows:

Claims 1-5, 8, 10, 12-16, 21, 27, 31, 33-37, 41-50, 70, 80, 85 and 88 are cancelled.

In claim 69 (renumbered as claim 1) the phrase "of at least one amino acid selected from S92, G93, Y94 and L96, which amino acids are numbered as in Figure 3." has been deleted and replaced with the phrase "selected from G93K-Y94H (antibody SS1), S92G-G93F-Y94N (antibody D8), S92G-G93S-Y94H (antibody C10), Y94H (antibody C5), G93A-Y94H (antibody D7), G93Q-Y94I (antibody B7), S92G-G93T-Y94N (antibody D9), S92G-G93D-Y94F (antibody C3), S92G-G93D-Y94H (antibody C4) and L96T (antibody E4), said amino acid residues being numbered as in Figure 3."

In claim 79 (renumbered as claim 10) the phrase "of at least one amino acid selected from S92, G93, Y94 and L96, which amino acids are numbered as in Figure 3." has been deleted and replaced with the phrase "selected from G93K-Y94H (antibody SS1), S92G-G93F-Y94N (antibody D8), S92G-G93S-Y94H (antibody C10), Y94H (antibody C5), G93A-Y94H (antibody D7), G93Q-Y94I (antibody B7), S92G-G93T-Y94N

(antibody D9), S92G-G93D-Y94F (antibody C3), S92G-G93D-Y94H (antibody C4) and L96T (antibody E4), said amino acid residues being numbered as in Figure 3.”

In claim 84 (renumbered as claim 14) the phrase “of at least one amino acid selected from S92, G93, Y94 and L96, which amino acids are numbered as in Figure 3.” has been deleted and replaced with the phrase “selected from G93K-Y94H (antibody SS1), S92G-G93F-Y94N (antibody D8), S92G-G93S-Y94H (antibody C10), Y94H (antibody C5), G93A-Y94H (antibody D7), G93Q-Y94I (antibody B7), S92G-G93T-Y94N (antibody D9), S92G-G93D-Y94F (antibody C3), S92G-G93D-Y94H (antibody C4) and L96T (antibody E4), said amino acid residues being numbered as in Figure 3.”

In the specification at page 1, line 1 the Title “IMMUNOCONJUGATES HAVING HIGH BINDING AFFINITY” has been deleted and replaced with the following new title: “ANTI-MESOTHELIN ANTIBODIES HAVING HIGH BINDING AFFINITY”

Examiner's Comment

2. Support for antibodies C5, D7, B7, D9, C3 and C4 as amended in claims 69, 79 and 84 can be found in Figure 3 as originally filed.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Blanchard whose telephone number is (571) 272-0827. The examiner can normally be reached at Monday through Friday from 8:00 AM to 6:00 PM, with alternate Fridays off. If attempts to reach the examiner by

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telephone are unsuccessful, the examiner's supervisor, Larry Helms, can be reached at (571) 272-0832. The official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully,
David J. Blanchard
571-272-0827

